

B2 58. Apparatus according to Claim 56 wherein said timing device has a second preselected timing condition to automatically enable said disabled ringer.

59. Apparatus according to Claim 56 wherein said light sensing device has a second preselected level of ambient light to automatically enable said disabled ringer. - -

REMARKS

It is noted that Claims 31-53 are allowed. The rejections of Claims 1-3, 54 and 55 are now addressed. Claims 1-5 have been cancelled without prejudice, and thus the rejection of Claims 1-5 is rendered moot.

Claims 52 and 53 are amended merely to improve clarity and form. Also, in Claim 52 and in other claims and in the Specification the term "indicia" has been changed to "signal" merely to render the terminology more logically correct since what is communicated is an electronic "signal" as opposed to "indicia" which may be considered by some as a visual or graphic signal.

The rejection of Claims 6-8 and 10-11 under 35 U.S.C. 102(b) as being anticipated by Kikinis is respectfully traversed.

It is respectfully submitted that Claim 6 and dependent Claims 7, 8, 10 and 11 do not read on Kikinis, and that the Examiner's reading these claims on Kikinis requires an incorrect assumption that the Kikinis components and systems (while significantly different from the subject claims, in structure, purpose and function) can be substituted for the elements of Claim 6. The following differences must be noted:

<u>Claim 6</u>	<u>Kikinis</u>
a) a telephone or telephone system	a personal electronic device (PED)
b) for <u>disabling</u>	for <u>enabling</u> (causing an alert signal)
c) this claim <u>is</u> a telephone system	alert merely notifies the user to go and do something, such as to <u>use</u> a cellular phone`
d) purpose is to allow the user to sleep unless and until a phone caller seeks to override the switch that previously turned off the ringer	Kikinis' concept is simply to communicate and alert; it is the antithesis of a system to bar communication.

It is respectfully submitted that the rejection incorrectly and unreasonably “reads” terms of Claim 6 on Kikinis. In this rejection it is posed:

a) that “Telephone” in Claim 6 “reads” onto PED (personal electronic device) and hence onto cellular phone and hence onto the claimed telephone,

b) that “ringer” in Claim 6, which is essentially a dependent, output element of a telephone system, is “read” onto an alert apparatus, which in Kikinis is an alarm/alert element separate and independent of the PED, and

c) that “disable” telephone ringer in Claim 6 is “read” onto Kikinis which enables the alert or makes it louder.

In view of the above analysis and comparison, it is respectfully submitted that the rejection of independent Claim 6 and dependent Claims 7, 8, 10 and 11 are incorrect under 35 U.S.C. §103(a) as being obvious over Kikinis in view of Duplane Corp. v. Derring Miliken, Inc. (“Duplane”), the latter reference cited to show that making a component in a modular manner is obvious. It is submitted, that the discussion above,

demonstrates why Kikinis alone does not disclose or teach the apparatus of Claim 6, and that adding the possibility of modularity from Duplane does not help the Kikinis disclosure to satisfy the claim.

Claim 9 is rejected under 35 U.S.C. §103(a) as obvious over Kikinis in view of Duplane. Applicant's objections to the Kikinis reference are reiterated; the addition of Duplane for obviousness is believed incorrect for its failure to produce a combination the same as or equivalent to the structure of Claim 9.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being obvious over Kikinis in view of known prior art (MPEP 2144.03). Claim 12 adds limitations of varying times and days for the ringer disablement and enablement. Applicants submit the same argument here as applied above for Claim 6, namely, that Kikinis alone does not satisfy the claim, and that the addition of varying times of operation, regardless of the source of this additional feature, does not produce a system the same or equivalent to claim 12.

Claims 14-20 and 54 are rejected under 35 U.S.C. §103(a) as being obvious over Kikinis in view of Cameron and further in view of Serby.

It is respectfully submitted, as stated above, that Kikinis fails as a basic prior art reference to teach the essential elements of the subject claims, and that for the reason expressed above, the proposed addition of elements from Cameron (a photo cell) and Serby (a timer) will not produce apparatus that satisfies the claims.

Claims 21-28 are rejected under 35 U.S.C. 103(a) as being obvious over Kikinis in view of Serby. It is respectfully submitted, as stated above, that Kikinis fails as a basic prior art reference to teach the essential elements of the subject claims, and that for the

reasons expressed above, the proposed addition of elements from Serby (a timer) will not produce apparatus that satisfies the claims.

Claim 30 has been rejected under 35 U.S.C. §103(a) as obvious over Kikinis in view of Serby and further in view of well known prior art (MPEP 2144.03). Claim 29 is apparently rejected similarly. The rejections of these claims are respectfully traversed for the reasons as expressed above as regards Claims 12, 14-20 and 54.

Claim 55 is rejected under 35 U.S.C. §103(a) as obvious over Cameron in view of Kikinis in view of Serby and in view of well known prior art (MPEP 2144.03). The rejection is respectfully traversed on the same grounds as expressed above as regards the inapplicability of the Kikinis reference to any of these claims. The addition of disclosure of Serby and well known prior art will not produce a combination the same or equivalent to Claim 55, and furthermore, obviousness to make this combination is not demonstrated by any of these references.

Lastly, applicants have added new Claims 56-59 to further clarify the present invention. Claim 56 recites the new new system operable with a telephone and a TAD, while Claim 57 recites an integrated system including telephone and TAD. Both claims describe systems having various modes of operation.

In view of the distinctions shown between the claims and the cited prior art and the arguments presented traversing the rejections, reconsideration and favorable action are respectfully requested.

If an extension of time is required to enable this document to be timely filed and there is no separate Request for Extension of Time, this document is to be construed as

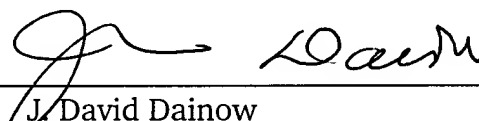
also constituting a Request for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such a Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17 and not submitted herewith should be charged to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account. One copy of this document is enclosed. We enclose our check for \$247.00 to cover the extra claim fee and the extension of time fee.

Respectfully submitted,

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REDLINED VERSION OF THE AMENDED CLAIMS

52. (Amended) An apparatus for disabling a telephone ringer comprising:
a recording device operable with a telephone to play back an instruction recording to a calling party, the recording prompting the calling party to provide designated [indicia] signal that the calling party's call is a priority call; and
a controller communicating with said recording device, said controller being operable

- (i) to disable the telephone ringer, and
- (ii) to enable the recording device such that the recording device may play back said instruction recording to a calling party, the controller being operable after a calling party provides said designated signal [indicia thereafter] to initiate an emergency sequence and re-enable the ringer when said [indicia] signal from the calling party indicates that the calling party's call is a priority call.

53. (Amended) The apparatus according to Claim 52, wherein the recording prompts the calling party to speak a designated command to indicate that the call is a priority call, the controller being operable to recognize said spoken designated command such that [the] said emergency sequence is initiated.